

**ENTERED**

April 15, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

DAVID GAMALIEL MARTINEZ,  
Petitioner,

v.

LORIE DAVIS, Director, Texas  
Department of Criminal Justice,  
Correctional Institutions Division,  
Respondent.

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Civil Action No. 1:20-cv-00015


**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Docket No. 8) in the above-captioned case. The R&R recommended the following: (1) dismiss the case without prejudice; and (2) close the case.

Objections were due March 24, 2020. No objections were filed by either party. A "clearly erroneous, abuse of discretion and contrary to law" standard of review is appropriate when there has been no objection to the magistrate's ruling. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

As a result, David Gamaliel Martinez's cause of action against Lorie Davis is **DISMISSED WITHOUT PREJUDICE**. The Clerk of the Court is **ORDERED** to close this case.

Signed on this **15th** day of **April**, 2020.

  
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Rolando Olvera  
United States District Judge